

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI

DAVID DIXON, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Case 4:19-cv-00112-AGF
)	
CITY OF ST. LOUIS, et al.,)	
)	
Defendants.)	

PROPOSED SCHEDULING ORDERS

The parties hereby submit the following two proposed scheduling orders for proceedings on Plaintiffs' Motion for Preliminary Injunction (ECF No. 41). The parties have worked diligently to produce a preliminary stipulation of facts in this matter and anticipate coming to a final agreement on that document shortly. The stipulation, however, will not resolve several relevant factual disputes between the parties. As a result, on March 8, 2019 the parties met and conferred in order to produce a joint proposed scheduling order regarding discovery and other deadlines related to the pending motion for preliminary injunction. During the meet and confer, it became apparent that Plaintiffs and Defendant Judges had a significant disagreement about the scope and timing of discovery for purposes of the preliminary injunction. In short, Plaintiffs intend to request limited expedited written discovery and anticipate conducting a 30(b)(6) deposition of the 22nd Judicial Circuit and factual depositions of the two to three judges that conduct initial appearances and/or serve as duty judges. Defendant Judges object to the deposition of any judges. City defendants are agreeable to either schedule, but will request an evidentiary hearing if preliminary relief is to include releasing prisoners from custody.

In an effort to move the process forward, despite these disagreements, the parties are submitting to the Court their competing proposed scheduling orders.

Plaintiffs' Proposed Scheduling Order

1. Plaintiffs shall conduct one 30(b)(6) deposition and two to three fact depositions on or before April 5, 2019. Defendants will produce copies of any documents they anticipate referring to or relying on in the depositions at least two business days before the scheduled deposition. Any documents identified or relied on by a witness during the deposition, that were not previously produced, shall be produced to Plaintiffs within three working days after the deposition.
2. The parties shall circulate any declarations of expert witnesses on or before April 5, 2019. Depositions of any expert witnesses shall be completed on or before April 12, 2019.
3. The parties shall provide to the Court no later than April 19, 2019 a joint stipulation of uncontested facts, a list of all witnesses and a short synopsis of the subject matter of their expected testimony, a list of all discovery responses and portions of depositions to be offered into evidence, proposed findings of fact and conclusions of law, and trial brief if requested by the Court.
4. Plaintiffs recommend the Court set a hearing during the week of April 22, 2019. Plaintiffs anticipate that such a hearing would last no longer than three days, but hope that discovery will allow the parties to make further stipulations of fact that may result in a shorter hearing.

Although Plaintiffs believe the expedited discovery schedule above is reasonable, should the Court instead adopt Defendants' Proposed Scheduling Order and limitations on discovery, Plaintiffs request the Court set a hearing during the week of April 8, 2019.

Defendants' Proposed Scheduling Order

The Judge Defendants object to the Plaintiffs' proposed discovery schedule. Plaintiffs' request for the depositions of state Judges is wholly inappropriate and reflects the intrusion into pending state criminal cases that warrants *Younger* abstention in this case. Plaintiffs' proposal of simultaneous expert disclosures is likewise inappropriate; Defendants' experts, if any, should be disclosed only after Plaintiffs have disclosed their experts. The Judge Defendants propose resolving the preliminary-injunction motion based on written submissions and oral argument—in particular, submission of the preliminary injunction motion based on expedited documentary discovery, stipulated facts, affidavits, expert depositions, briefs, and oral argument, rather than live testimony—as the most efficient and expeditious manner to resolve the motion. The Judge Defendants propose the following schedule:

1. Expedited limited document discovery, consisting only of Requests for Production of Documents, to be concluded within two weeks of the date of this joint proposed scheduling order, i.e., by March 25, 2019.

2. Plaintiffs' expert disclosures, if any, to be made on or before March 27, 2019. Plaintiffs' experts to be available for deposition between March 27 and April 5, 2019.
3. Defendants' expert disclosures, if any, to be made on or before April 8, 2019. Defendants experts to be available for deposition between April 8 and April 17, 2019.
4. The parties shall provide to the Court by April 19, 2019, a joint stipulation of uncontested facts, proposed findings of fact and conclusions of law, and a trial brief.
5. Hearing to consist of oral arguments on the briefs and written submissions to be set during the week of April 22 or thereafter, at the Court's convenience

March 11, 2019

Respectfully Submitted,

ARCHCITY DEFENDERS, INC.

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